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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[1 August 1997]

1. The International Federation of Human Rights Leagues (FIDH) and its affiliated organization, the Mexican League for the Defence of Human Rights, are most concerned about the serious deterioration in the human rights situation in Mexico during the past three years and, in particular, by the harassment of human rights workers.

2. In April 1997, FIDH carried out a human rights observer mission to Mexico. Despite advance notification by the Ministry of Foreign Affairs through the diplomatic channel, the Mexican Immigration Department expelled two of the observers participating in the mission, claiming that their visas were not in order.

3. FIDH and the Mexican League for the Defence of Human Rights are extremely concerned at this change in Mexican foreign policy, which, since there have been other cases of expulsion, is a clear attempt to hinder international human rights monitoring.

4. There are serious restrictions on implementation of the International Covenant on Civil and Political Rights in Mexico, and the Mexican Government is resorting to mechanisms designed to suppress political opposition and social action movements.

5. There has been a significant increase in the militarization of Mexico since the appearance of the Ejército Zapatista de Liberación Nacional (EZLN) in 1994 and the Ejército Popular Revolucionario (EPR) in 1996. At present, there is an increased military presence in 23 of the country's 31 states, especially in the indigenous communities.

6. In 1995, the National Public Security Coordination Office was established and responsibility for public security was vested in the Armed Forces. This interference by the military in civilian affairs has increased and, at present, 75 per cent of police officers are under the supervision of high-level army officers. In cities, soldiers are being used interchangeably with the civilian police. The army has emerged from its barracks and has occupied various rural and indigenous communities in Mexico. This increased militarization of civil society has been accompanied by an increase in the number of complaints of human rights violations by soldiers.

7. The militarization of Mexican society has resulted in restrictions on the right to freedom of movement and of association, threatened the electoral process and, at its worst, terrorized the population. Peasants often flee their communities and cease to cultivate their land. This military presence is unconstitutional since there is no state of emergency, whether as a result of national disaster or of internal unrest, to justify army intervention.

8. As a result of the Government's economic policy, 10 million indigenous people are living in extreme poverty. The country's economic model is widening the gap between rich and poor, and the fact that 37.2 million Mexicans are living in poverty or extreme poverty means that increased numbers of people are being marginalized.

9. The Committee on the Elimination of Racial Discrimination, at its forty-seventh session, stated that this situation of extreme poverty and marginalization of indigenous communities was a matter of concern and that the pervasive discrimination being suffered by the 56 indigenous groups living in Mexico fell directly under the definition of racial discrimination given in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. Nevertheless, the Government of Mexico continues to describe their plight as an unequal participation in the country's social and economic development.

10. Reforms of the Constitution and the Penal Code have legalized human rights violations. More stringent laws have been adopted, including the Federal Act against Organized Crime, which was adopted in 1996. These reforms authorize wire-tapping and the admission as evidence of statements made to a representative of the Public Prosecutor's Office, often under pressure and in situations where the accused's lawyer is present but is not permitted to carry

out his functions. The Prosecutor's Office has been given discretionary power to request denial of bail. Persons captured flagrante delicto may be arrested without a warrant, and the accused's property may be seized unless he can prove legal ownership; in practice, this means that all arrested persons are guilty until proved innocent.

11. In 1996, increased political repression, primarily against members of the Partido de la Revolución Democrático (PRD), the Ejército Zapatista de la Liberación Nacional (EZLN) and other opposition organizations, was accompanied by an increase in the arrest and disappearance of individuals. Over 450 PRD militants have been murdered since 1988.

12. Paramilitary groups known as "white guards" attack members of the opposition and indigenous persons with the support and/or tolerance of the authorities. Many of their crimes are never investigated or punished. This encourages greater impunity and weakens State responsibility.

13. The Latin American Federation of Associations of Relatives of Disappeared Detainees has stated that, during its visit to Mexico, it received reports of 150 cases of disappeared detainees, most of whom had been released, within a few days, with marks of torture. In 1996, FIDH and the Mexican League for the Defence of Human Rights received 674 reports of illegal detention and 449 reports of arbitrary search without a warrant or presentation of official identification of any kind; in some cases, the detainees were taken to clandestine prison cells and tortured.

14. According to the annual report of the Centro de Derechos Humanos Fray Francisco de Vitoria (Father Francisco de Vitoria Centre for Human Rights), in 1996, torture and cruel, inhuman and degrading treatment were the primary subjects of the complaints of human rights violations which were received, followed by extrajudicial execution; most of the victims were activist members of political and social organizations.

15. The Committee against Torture, at its eighteenth session, confirmed that torture continued to be systematically practised in Mexico as a result, inter alia, of the impunity of torturers and the persistent admission of confessions and statements made under torture as evidence during trials. The Committee noted that the failure by the authorities responsible for criminal investigation to investigate reports of torture promptly and impartially constituted a violation of articles 12 and 13 of the Convention against Torture.

16. As regards administration of justice, impunity is virtually total. The average impunity rate is approximately 96 per cent in Mexico City during the current decade, according to the Federal District Human Rights Committee.

17. An investigation carried out by Causa Ciudadana documented 429 attacks on journalists in Mexico between December 1994 and June 1997. Of these victims, 11 were murdered (8 because of their professional activities and 3 for seemingly unrelated reasons), over 125 were physically assaulted and 9 were abducted. Legal proceedings were taken against 74 print and media journalists, and there were 74 cases of censorship. Another 38 journalists were threatened, 27 were subjected to confiscation of their working materials, 24 were intimidated, 18 were arrested, 12 were attacked, 9 were harassed and 7 disappeared.

18. Recently, there have been a series of attacks on non-governmental organizations (NGOs), including the Coordinadora de Organismos No Gubernamentales por la Paz (Coordinating Body of Non-Governmental Organizations for Peace), located in San Cristobál de la Casas, Chiapas; the Centro de Derechos Humanos Miguel Agustín Pro (Miguel Agustín Pro Centre for Human Rights), the Equipo Pueblo (People's Team); Greenpeace; the Asociación Nacional de Abogados Democráticos (National Association of Democratic Lawyers); Alianza Cívica (Civic Alliance); and the Comisión Mexicana para la Defensa y Promoción de los Derechos Humanos (Mexican Commission for the Defence and Promotion of Human Rights). Those responsible have not been punished.

19. The Mexican Government's Office of the Secretary of Foreign Affairs has systematically dismissed the reports of international NGOs and has requested further information on cases sent by Mexican NGOs, requiring them to verify the information provided and arguing that their information was vague and, in many cases, biased and fraudulent. This means that anyone requesting action by those responsible for prosecutions and the administration of justice must have proof in hand.

20. The Mexican Government argues that acceptance of the jurisdiction of international legal instruments weakens State sovereignty. Both FIDH and the Mexican League for the Defence of Human Rights call on the Mexican Government to meet its international commitments, accept the jurisdiction of international human rights instruments and withdraw its reservations to covenants and conventions, thereby demonstrating Mexico's willingness to expand its guarantees of the rights in question.

21. For this reason, FIDH and the Mexican League for the Defence of Human Rights call upon the Sub-Commission to condemn human rights violations in Mexico.

22. Furthermore, FIDH and the Mexican League for the Defence of Human Rights urge the Government of Mexico to implement the recommendations adopted by the Committee on the Elimination of Racial Discrimination and the Committee against Torture at their forty-seventh and eighteenth sessions, respectively, as quickly as possible.

23. In view of this serious and systematic violation of human rights, we request the Sub-Commission to ask the Commission at its fifty-fifth session to appoint a special rapporteur to prepare a report on human rights violations in Mexico.

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